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/Helen Samson/

FEBRUARY 26, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Samson et al.

Attorney Docket No.: NU-216

Serial No.: 10/820,475

Confirmation No.: 7575

Filed: 04-08-2004

Art Unit: 2874

Customer No.: 000038731

Examiner: Wood, Kevin S.

Title: **OPTICAL FIBER FOR HANDLING HIGHER POWERS**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 26, 2007

**RESPONSE TO
ELECTION/RESTRICTION REQUIREMENT**

Dear Sir:

This Response to Election/Restriction Requirement is filed in response to the Office Communication mailed September 25, 2006 in the above-identified application, the time for response to which is extended to February 26, 2007 (February 25 falling on a Sunday) by the accompanying Request for Four Month Extension of Time (see accompanying form PTO/SB/22). This Response and accompanying forms are being filed electronically.

Election of Species

The Examiner requires that the Applicants elect a single disclosed species from the following species identified by the Examiner:

- I. An optical fiber having an inner core and outer core region where the concentration of rare earth within the outer core is higher than the concentration of rare earth within the inner core.
- II. An optical fiber having an inner core and outer core region wherein the outer core region is substantially free of any rare earth
- III. An optical fiber having an inner core and outer core region where the photosensitivity of the outer core is greater than the photosensitivity of the inner core.
- IV. An optical fiber having an inner core and outer core region where the photosensitivity of the inner core is greater than the photosensitivity of the outer core.

Applicants provisionally elect Species I. Applicants traverse the election on the grounds that the species identified in the outstanding Election/Restriction Requirement are not all mutually exclusive and thus representative of four proper species. Neither of species III and IV are understood to be mutually exclusive with species I and II. For example, germanium is a typical dopant useful for providing photosensitivity in an optical fiber. It is not a rare earth and hence the provision of regions having different photosensitivities can be independent of the provision of regions having different concentrations of a rare earth.

The Examiner requests that the Applicants list all claims readable on the elected species I. This requirement is understood to simply mean that the listed claims refrain from a recitation that would exclude species I. It does not mean that the scope of a listed claim is commensurate with the species description and thus includes no admission regarding patentability (e.g., a listed claim can be narrower than a species description and hence prior art that includes all features of a species does not render an elected claim

unpatentable). Furthermore, it is not understood to mean that the listed claims must recite all features of the species description.

Claims 1-20, 22, 24-34, and 39-43 are believed to represent a grouping representative of the elected species I.

Certain language in the outstanding Office Communication is used to identify each of the species. This language may or may not correspond to language used in a claim. Applicants understand that each of the claims is to be interpreted according to the rules of claim construction and the words used in that particular claim, not according to or using reference to the language of a particular description of an elected (or non elected) species

Conclusion

This Response attends to all issues raised in the outstanding Office Communication. No fee other than the fee associated with the Request for a Four Month Extension of Time is considered to be due in conjunction with the submission of this Response. However, if an additional fee is determined to be due in association with the filing of this Response, or if an underpayment or overpayment of a fee is made, authorization is hereby granted to charge or credit, as appropriate, Nufern Deposit Order Account No. 50-2343.

Please do not hesitate to contact the undersigned if any issues are deemed to remain unresolved.

Dated: February 26, 2007

Respectfully submitted,

By /Peter J. Rainville/
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